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Attorneys for Defendant
Wal-Mart Stores, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SUZY MCCABE,

Plaintiff,

v.

WAL-MART STORES, INC., WALMART
NEIGHBORHOOD MARKET, DOE
MAINTENANCE EMPLOYEE, DOE
EMPLOYEE, DOE JANITORIAL
EMPLOYEE, DOE OWNER, I-V, ROE
EMPLOYER, and ROE COMPANIES,

Defendants.

Case No.: 2:14-01987-JAD-CWH

**STIPULATION AND [PROPOSED
ORDER] ESTABLISHING
PARAMETERS FOR FRCP 34 SITE
INSPECTION BY PLAINTIFF SUZY
MCCABE**

COME NOW, Plaintiff SUZY MCCABE (“Plaintiff”), by and through her counsel of record, MORRIS ANDERSON law firm, and Defendant WAL-MART STORES, INC. (“Walmart”), by and through its counsel of record, the law firm of PHILLIPS, SPALLAS & ANGSTADT LLC, and pursuant to the provisions of FRCP 34(a)-(b)(1), the parties agree, and hereby stipulate, that the inspection shall be conducted within the following parameters:

At or around 7:00 a.m. on Wednesday, August 26, 2015, at the premises of Walmart Store No. 3355, located at 1400 S. Lamb Blvd, Las Vegas, Nevada (“premises”), Defendant shall permit no more than two (2) individuals from Plaintiff’s counsel’s law firm of record, Morris Anderson, and Plaintiff’s designated expert (collectively, “Plaintiff’s group”) entry upon the premises for the express purposes of inspection, measurement, surveying, photography, and non-destructive and non-invasive

1 testing of the property. Said inspection, measurement, surveying, photography, co-efficient of friction
2 testing, and non-destructive and non-invasive testing shall be directed to the floor upon which Plaintiff
3 allegedly fell on November 4, 2012. This area includes a distance of up to twenty feet in any or all
4 directions from the location of Plaintiff's alleged fall in the "vegetable area" of the Produce
5 Department. Plaintiff's group may remain on the premises for one hour beginning at 7:00 a.m. on
6 August 26, 2015 and ending at 8:00 a.m. on August 26, 2015.
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8 Members of Plaintiff's group may not utilize videotape or video or audio recording of any
9 kind. No member of Plaintiff's group shall speak to any member of Walmart personnel during the
10 inspection. Plaintiff is permitted to photograph only her path of travel to the location at which she
11 allegedly fell and only the location at which she allegedly fell. Plaintiff is not permitted to take any
12 other photographs.
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1 This is a complete and accurate memorialization of the parties' agreement. No other use of the
2 premises, other than the uses expressly delineated herein, will be permitted.

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4 Respectfully submitted by:

5 DATED: 20th day of August, 2015

DATED: 20th day of August, 2015

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7 **MORRIS ANDERSON**

PHILLIPS, SPALLAS & ANGSTADT LLC

8 */s/ Ryan Anderson*

/s/ Amtoj S. Randhawa

9 RYAN ANDERSON, ESQ.
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12 *Attorneys for Plaintiff*
13 *Suzy McCabe*

Attorneys for Defendant
Wal-Mart Stores, Inc.

14 **ORDER**

15 **IT IS SO ORDERED**

16 DATED: August 21, 2015

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20 **UNITED STATES MAGISTRATE JUDGE**
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